

### **REMARKS**

Claims 1-7, 9-22 and 28-38 are all the claims presently pending in the application. Claims 1, 9, 22 and 28-30 have been amended to more particularly define the claimed invention. Claims 37-38 have been added.

While the claim amendments made herein may help to distinguish the invention over the prior art, Applicant's intention in making the amendments is for the purpose of particularly pointing out the invention, and not for the purpose of distinguishing the invention over the prior art, narrowing the claims, or for any statutory requirements of patentability. Further, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

**Claims 1-16, 18, 20, 21, 28-32 and 35-36** stand rejected under 35 U.S.C. § 102(a) as being allegedly anticipated by Robillard et al. ("FEAT A tool for Locating, Describing, and Analyzing Concerns in Source Code") (hereinafter "Robillard-Murphy").

**Claim 22** stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Robillard ("A study of Program Evolution Involving Scattered Concerns") (hereinafter "Robillard") in view of Robillard-Murphy.

**Claim 17** stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Robillard-Murphy in view of Chu-Carroll (U. S. Pat. Pub. 2002/0198873).

**Claim 19** stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Robillard-Murphy in view of Robillard.

**Claim 33** stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Robillard-Murphy in view of Casati et al. (U. S. Pat. Pub. No. 2002/0174093).

**Claim 34** stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Robillard-Murphy in view of Stone et al. (U. S. Pat. No. 6,804,686).

These rejections are respectfully traversed in view of the following discussion.

#### **I. THE CLAIMED INVENTION**

An exemplary aspect of the claimed invention (e.g., as defined by claim 1) is directed

to a system for identifying concerns, including a specifying device for specifying an initial concern in a software system, and an identifying device for using the initial concern to explore artifacts in said software system, and based on a result of said using the initial concern to explore artifacts in said software system, identifying a related concern in said software system having a relationship with said initial concern, at least one of the initial and related concerns comprising an artifact other than source code, said identifying said related concern comprising automatically computing a content of said related concern based on said initial concern and said relationship between said initial and related concerns (e.g., see Application at page 9, lines 19-22; page 10, lines 12-17).

These features may allow a user to conveniently explore concerns and their relationships within a system.

## II. THE ALLEGED PRIOR ART REFERENCES

### A. Robillard-Murphy

The Examiner alleges that Robillard-Murphy teaches the claimed invention of claims 1-16, 18, 20, 21 and 28-32. Applicant would submit, however, that Robillard-Murphy does not teach or suggest each and every element of the claimed invention.

In particular, nowhere does Robillard-Murphy teach or suggest "*based on a result of said using the initial concern to explore artifacts in said software system, identifying a related concern in said software system having a relationship with said initial concern, at least one of the initial and related concerns comprising an artifact other than source code, said identifying said related concern comprising automatically computing a content of said related concern based on said initial concern and said relationship between said initial and related concerns*", as recited in claim 1 and similarly recited in claims 20, 22, 28, 29 and 30 (e.g., see Application at page 9, lines 19-22; page 10, lines 12-17). As noted above, this may allow a user to conveniently explore concerns and their relationships within a system.

Clearly, these features are not taught or suggested by Robillard-Murphy.

First, Applicant would again point out that the FEAT tool works only on source code. Indeed, nowhere does Robillard-Murphy make reference to any artifact other than source code, and nowhere does Robillard-Murphy make reference to any relationship other than a

code relationship. Indeed, the title of Robillard-Murphy is "A Tool for Locating, Describing, and Analyzing Concerns **in Source Code**".

The Examiner alleges that Robillard-Murphy teaches at least one of the initial and related concerns comprising an artifact other than source code, at col. 2, lines 9-28. This is completely unreasonable.

In particular, the Examiner states on page 3 of the Office Action that "Changing Attributes (initial concern) and Attribute Menu/Command Responses/Set Figure Attributes (related concerns) are concern representation such as named containers, but not source code". However, these features referred to by the Examiner are simply buttons displayed on the FEAT tool which are selected (e.g., by moving a cursor over the buttons and clicking the computer mouse) by the user to set a display of the concern graph.

The Examiner appears to be confusing these buttons with a concern. Clearly it is unreasonable for the Examiner to equate a button displayed in the FEAT tool with the "initial concern" and the "related concern" of the claimed invention. Indeed, these buttons clearly have nothing to do with whether a concern being analyzed by the FEAT tool includes an artifact other than source code.

Further, on page 4 of the Office Action, the Examiner alleges that Robillard-Murphy teaches automatically computing a content of said related concern based on said initial concern and said relationship between said initial and related concerns, at Figure 1. Again, this is completely unreasonable.

In fact, the Examiner again appears to be equating the buttons displayed in the FEAT tool with the initial and related concerns of the claimed invention. As noted above, this is completely unreasonable. Moreover, nowhere does Figure 1 teach or suggest anything about the "content" of these buttons.

Therefore, Robillard-Murphy clearly does not teach or suggest an identifying device for using the initial concern to explore artifacts in said software system, and based on a result of said using the initial concern to explore artifacts in said software system, identifying a related concern in said software system having a relationship with said initial concern, at least one of the initial and related concerns comprising an artifact other than source code, said identifying said related concern comprising automatically computing a content of said related

concern based on said initial concern and said relationship between said initial and related concerns, as in the claimed invention.

Therefore, Applicant would submit that Robillard-Murphy clearly does not teach or suggest each and every element of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

**B. Robillard, Chu-Carroll, Casati and Stone**

The Examiner alleges that Robillard would have been combined with Robillard-Murphy to form the invention of claims 19 and 22, and that Robillard-Murphy would have been combined with Robillard to form the invention of claim 17, and with Casati to form the invention of claim 33, and with Stone to form the invention of claim 34.

Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Applicant respectfully submits that these references are unrelated and would not have been combined as alleged by the Examiner. Thus, no person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight.

Further, Applicant submits that there is no motivation or suggestion in the references to urge the combination as alleged by the Examiner. Indeed, these references clearly do not teach or suggest their combination. Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been so motivated to combine the references as alleged by the Examiner. Therefore, the Examiner has failed to make a prima facie case of obviousness.

Moreover, Applicant respectfully submits that neither Robillard, nor Robillard-Murphy, nor Chu-Carroll, nor Casati, nor Stone, nor any alleged combination thereof teaches or suggests *"based on a result of said using the initial concern to explore artifacts in said software system, identifying a related concern in said software system having a relationship with said initial concern, at least one of the initial and related concerns comprising an artifact other than source code, said identifying said related concern comprising automatically computing a content of said related concern based on said initial concern*

*and said relationship between said initial and related concerns*", as recited in claim 1 and similarly recited in claims 20, 22, 28, 29 and 30 (e.g., see Application at page 9, lines 19-22; page 10, lines 12-17). As noted above, this may allow a user to conveniently explore concerns and their relationships within a system.

Clearly, these features are not taught or suggested by Robillard.

Indeed, like Robillard-Murphy, Robillard simply discloses the FEAT tool which was distinguished from the claimed invention in the Background section of the present Application (Application at page 1, line 21-page 2, line 1; page 8, lines 18-21). Indeed, as noted previously, Robillard describes his FUTURE work by stating that "we are currently working on algorithms to support the automatic determination of concerns of interest based on navigation graphs" (e.g., see page 9, left column).

Therefore, like Robillard-Murphy, Robillard clearly does not teach or suggest an identifying device for using the initial concern to explore artifacts in said software system, and based on a result of said using the initial concern to explore artifacts in said software system, identifying a related concern in said software system having a relationship with said initial concern, at least one of the initial and related concerns comprising an artifact other than source code, said identifying said related concern comprising automatically computing a content of said related concern based on said initial concern and said relationship between said initial and related concerns, as in the claimed invention.

Likewise, Chu-Carroll does not teach or suggest these features. Indeed, Chu-Carroll simply discloses querying software code stored in a database, the software code including a plurality of units of executable program code. In particular, Chu-Carroll states that the "idea of multidimensional separation of concerns has been explored in the software engineering community" (Chu-Carroll at [0131]). However, this is basically all that Chu-Carroll discloses with respect to concerns.

That is, like Robillard-Murphy and Robillard, Chu-Carroll clearly does not teach or suggest an identifying device for using the initial concern to explore artifacts in said software system, and based on a result of said using the initial concern to explore artifacts in said software system, identifying a related concern in said software system having a relationship with said initial concern, at least one of the initial and related concerns comprising an

artifact other than source code, said identifying said related concern comprising automatically computing a content of said related concern based on said initial concern and said relationship between said initial and related concerns, as in the claimed invention.

Likewise, Casati does not teach or suggest these features. Indeed, Casati simply discloses a method of identifying and analyzing business processes from workflow audit logs. In particular, Casati teaches that data mining may be applied to the contents of a data warehouse "to identify patterns occurring during process execution" (Casati at [0034]). Clearly, Casati has nothing to do with the claimed invention.

Likewise, Stone does not teach or suggest these features. Indeed, Stone simply teaches a system for providing a UML diagram of a program which is displayed in a graphical user interface (Stone at Abstract). That is, like Casati, Stone has nothing to do with the claimed invention.

Therefore, neither Robillard, nor Chu-Carroll, nor Casati, nor Stone teach or suggest an identifying device for using the initial concern to explore artifacts in said software system, and based on a result of said using the initial concern to explore artifacts in said software system, identifying a related concern in said software system having a relationship with said initial concern, at least one of the initial and related concerns comprising an artifact other than source code, said identifying said related concern comprising automatically computing a content of said related concern based on said initial concern and said relationship between said initial and related concerns, as in the claimed invention.

Thus, none of these alleged references make up for the deficiencies in Robillard-Murphy.

Therefore, Applicant submits that these references would not have been combined and even if combined, the combination would not teach or suggest each and every feature of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

### III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-7, 9-22 and 28-38, all the

claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,



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